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L-3 Info

P/M/R-2 R/R-8 E-7 I/PR-2 SCA-8 SCS-2

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DEPARTMENT OF STATE Classification

REVIEWED BY [illegible] DATE 3 MAY 1982

FROM: AMEMBASSY TOKYO

TO: SECSTATE WASHDC

NO: A-[illegible]

Date Sent: November 29, 1961

Rec'd:

LEGAL ADVISER

destruction to Tokyo

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drafted 1/10/62

DEPARTMENT OF STATE

L:HA:LJHarris File

REF: Department's A-70, October 21, 1961; Emb Despatches 135 and 234

Department's views relating to pending Consular Convention with Japan have been carefully noted and guidance would be appreciated on following points before approach is made to Foreign Office.

1. Japanese side has justified most of changes found objectionable by Department on grounds Vienna Convention should be followed as basic pattern for according privileges and immunities to consular officers and employees thus assuring, in Japanese view, that such officers and employees will not enjoy more privileges and immunities than diplomatic personnel. In discussing Department's position with Foreign Office, Embassy believes latter will make not unreasonable point that five years have elapsed since negotiations were recessed and new factors, such as Vienna Convention, have arisen which require some change in previously agreed positions. Accordingly, it would be helpful to Embassy to know degree of acceptability to Department of proposed Japanese changes based on new concepts Vienna Convention.

2. Department's views would also be helpful regarding remaining two major areas of difference, i.e., Okinawan question and most-favored-nation principle, particularly whether there is prospect of agreement on former employing essence of compromise offered by Japanese side which considers Okinawan issue key determinant in obtaining eventual legislative ratification.

3. In general, Department's guidance will be invaluable on what, if anything, is negotiable in long form text. Embassy anticipates having eventually to discuss matter concessions by both sides when it requests Foreign Office itself either to withdraw counterproposals dealing with already agreed upon language or to face prospect having to consider abandoning long form for short form as basis further negotiations.

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Embassy agrees fully with Department on logic of short form but believes Japanese will still be strongly inclined toward long form. After receiving guidance on points enumerated above, however, Embassy will at every feasible opportunity continue to press for short form adoption using argumentation provided in W-170.

REISCHAUER

HMHolland/RJBlake:af

DCM:Mr. Leonhart

DECLASSIFIED

(5) of Article 20 and paragraphs (1) and (4) of Article 21, be deemed to include:

(a) any vessel of the receiving state or any third country chartered on bare boat terms by a national or nationals of the sending state; and

(b) any vessel of the sending state except that chartered on bare boat terms by a national or nationals of the receiving state.

4. Without derogation of such rights and benefits as the sending state may have under international law with respect to diplomatic property, the provisions of Article 12 (except subparagraphs (b) and (c) of paragraph (1)) shall likewise apply with respect to immovable property owned or otherwise held or occupied by the sending state and used either for embassy purposes or for residences for one or more officers or employees of the embassy.

5. The term "members of his family forming part of his household" referred to in paragraph (6) of Article 11, paragraph (2) of Article 14 and paragraph (1) of Article 25 shall be understood to include only those persons residing in the receiving state who are substantially dependent upon the consular officer or employee for support.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and have hereunto affixed their seals.

DONE in duplicate, in the English and Japanese languages, both texts being equally authentic, at Tokyo, this twenty-second day of March, one thousand nine hundred sixty three.

For the United States of America:

For Japan: